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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and *Repertoire of the Practice of the Security Council*

Report of the Secretary-General**

I. Introduction

1. The present progress report has been prepared pursuant to paragraph 4 of General Assembly resolution 55/156 of 12 December 2000, in which the Assembly took note of subparagraphs (a) to (h) of paragraph 33 of the 2000 report of the Secretary-General (A/55/340), commended him for his continued efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs*, and endorsed his efforts to eliminate the backlog in the publication of the *Repertoire of the Practice of the Security Council*.

2. In paragraph 33 of his 2000 report, the Secretary-General had invited the General Assembly to:

(a) Note that volumes III (Articles 55-72) and IV (Articles 73-91) of Supplement No. 5 to the *Repertory* had been completed in 2000 and would be published in 2001;

(b) Note that volume I of Supplement No. 6 of the *Repertory* had been completed and would be published in 2001, work had progressed considerably on volumes II, IV and V of Supplement No. 6 and would be completed by the end of the biennium 2000-2001, and work on volume III was in progress;

(c) Note that work had started on volumes II and VI of Supplement No. 7 and that work on volume IV would start in 2001;

(d) Note that *Repertory*-related tasks were included as distinct activities within the relevant sections of the programme budget of the Organization;

(e) Note that the tenth Supplement of the *Repertoire of the Practice of the Security Council* had been published in English and was being translated into French;

(f) Note that all published volumes of the *Repertoire* were available on the Internet;

(g) Note that a Trust Fund for the Updating of the *Repertoire* had been established and that additional contributions were needed to finance a project aimed at eliminating the current backlog through the simultaneous preparation of two Supplements;

* A/56/150.

** The present report was submitted after the established deadline to reflect the latest information concerning the preparation and publication of the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*.

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(h) Note the efforts of the Secretary-General to reduce the backlog of the Supplements to the *Repertory* and to the *Repertoire*.

II. *Repertory of Practice of United Nations Organs*

A. Steps undertaken by the Secretariat to expedite the preparation of Supplements to the *Repertory of Practice of United Nations Organs*

1. Interdepartmental Committee on Charter Repertory

3. Since the issuance of the 2000 report, the Interdepartmental Committee on Charter Repertory[1] held three meetings, inter alia, to review the status of the publication of volumes III and IV of Supplement No. 5 (1970-1978) as well as the preparation of volumes I to V of Supplement No. 6 (1979-1984); to identify future priority volumes to be completed in the 2002-2003 biennium; to review the implementation of the work programme for the 2000-2001 biennium; and to continue the review of the Manual for the Preparation of the *Repertory of Practice of United Nations Organs*.

(a) Review Committee of the Interdepartmental Committee on Charter Repertory

4. During the period under review, the Review Committee of the Interdepartmental Committee on Charter Repertory, consisting of the Office of Legal Affairs, the Department of Political Affairs and the respective coordinating and author departments, was convened to review volume I of Supplement No. 6. The Review Committee approved the volume for publication. Such approval was subsequently communicated to the Interdepartmental Committee. The Review Committee was also convened to commence the review of studies for volume IV of Supplement No. 6.

(b) Updating the Manual for the Preparation of the *Repertory of Practice of United Nations Organs*

5. In 2001, the Interdepartmental Committee on Charter Repertory continued its review of the Manual for the Preparation of the *Repertory of Practice of United Nations Organs*, including the Draft Guidelines on the Preparation and Submission of Repertory Draft Studies, as described in the 1999 report (A/54/363, paras. 7 and 8) and the 2000 report (A/55/340, para. 6). The Committee had before it a new draft revised version of the Manual, prepared by the Office of Legal Affairs in the light of the Committee's experience with the *Repertory* volumes completed during 1999-2000. The Manual is intended to assist with the preparation of draft studies by, inter alia, clarifying the recommendation contained in the 1978 report of the Committee for Programme and Coordination that Repertory studies should include only those decisions, mainly of principal organs, bearing "directly on the interpretation of any provision of the Charter."[2] Part One of the Manual provides a brief background to the publication of the *Repertory* with extracts from the General Assembly resolutions on the *Repertory* and a list of publications of the *Repertory* and its Supplements annexed thereto. Part Two contains the revised guidelines for the preparation of the *Repertory*. Part Three integrates the Draft Guidelines and was revised to include guidelines for the submission and review of studies, as well as the procedure for publication following the approval of studies, taking into account the experience with the preparation and submission of studies since 1999. The Manual was approved by the Committee and will be issued as a document of the Committee in the near future. The Committee will continue to keep the Manual under review, particularly with a view to updating the editorial directives.

2. Inter-office dialogue on reviewing the working methods for the preparation of the *Repertory*

6. At the initiative of the Office of Legal Affairs, in its capacity as overall coordinator for the preparation of the *Repertory*, the Secretariat units participating in the preparation of the Repertory commenced in 2001 a dialogue on reviewing the efficacy of current working methods, including considering different options for improving productivity and for increasing the Repertory Supplement production rate. It is anticipated that this review will continue in 2002, in the context of the Interdepartmental Committee, with the eventual formulation of specific proposals on ways of enhancing the work, including, for example, on ways of increasing the Supplement production rate to at most three years (i.e. two volumes per year) so as to reduce the backlog within a shorter time frame.

3. Training seminars on preparing the *Repertory*, conducted by the Office of Legal Affairs

7. The Office of Legal Affairs continues to offer to participating Secretariat units the possibility of attending training seminars on the preparation of the *Repertory*, as required. The seminars have been held annually since 1998 and are open to all participating Secretariat units, with a view to adopting a common approach to researching and writing the *Repertory*.

4. Recourse to interns

8. Participating units of the Secretariat continue, as in previous years, to resort to interns in the research and compilation of data for the preparation of draft *Repertory* studies. The Interdepartmental Committee remains of the view that the overall contribution of interns to the preparation of *Repertory* studies is constrained by the necessary training and oversight responsibilities required of supervisors. The same considerations outlined in the 1999 and 2000 reports continued to apply in 2001 (see A/54/363, para. 10, and A/55/340, para. 8, respectively).

9. However, it should be noted that, since the last report, changes to the Secretariat internship programme have been implemented. A new administrative instruction was issued to allow the normal duration of internships to be extended to four months and as long as six months in some cases. While this change is expected to benefit *Repertory*-related work, questions still remain as to the advisability of reliance on interns for such work for the reasons mentioned above.

B. Status of the *Repertory of Practice of United Nations Organs*

1. Preparation of volumes referred to in paragraph 59 (b) of the 1997 report of the Secretary-General

10. In the 2000 report of the Secretary-General (A/55/340, para. 13), it was reported that work on volumes III and IV of Supplement No. 5 had been completed and that publication was expected in early 2001.

11. Due to the very heavy workload of the publications services, volume III of Supplement No. 5 is currently in the final stages of production and will be published by the end of 2001. Volume IV of Supplement No. 5 will be published by June 2002. The index to Supplement No. 5 will be produced after all volumes of the Supplement are published, and will be completed in 2002.

2. Preparation of volumes referred to in paragraph 33 (c) of the 1999 report of the Secretary-General

12. In paragraph 33 (c) of the 1999 report, the Secretary-General pointed out that work on volumes I (Articles 1-8), II (Articles 9-22) and V (Articles 73-91) of Supplement No. 6 would be completed in the 2000-2001 biennium, while work on volumes III (Articles 23-54, 106, 107) and IV (Articles 55-72) would begin during 2000-2001.

(a) Supplement No. 6, volume I

13. In his 2000 report, the Secretary-General stated (A/55/340, para. 15) that all studies for volume I of Supplement No. 6, had been completed and submitted for review and that it was anticipated that the volume would be published in 2001.

14. The Review Committee was convened to review the volume and offered suggestions for revision. Following their implementation, the Committee approved the volume as a whole. The Office of Legal Affairs, as Coordinating Department for the volume, has submitted the volume for processing and publication.

(b) Supplement No. 6, volume II

15. The Secretary-General in his 2000 report noted (ibid.) that it was anticipated that work on volume II of Supplement No. 6 would be finalized in the latter part of 2001.

16. Most of the contributions to the volume have been received by the Coordinating Department. Work continues on volume II. However, due to the heavy workload of the Department, the volume is expected to be completed in 2002.

(c) Supplement No. 6, volume III

17. The Secretary-General indicated in his 2000 report (ibid., paras. 17 and 33 (b)) that while it was not possible to make any definite projections on the completion of volume III of Supplement No. 6, work on the volume was in progress.

18. Work continues on volume III. It is expected to be completed by 2003.

(d) Supplement No. 6, volume IV

19. The Secretary-General stated in his 2000 report (ibid., para. 17) that it was anticipated that volume IV of Supplement No. 6 would be completed by the end of 2001.

20. Most of the studies for the volume have been completed (including approval by the Review Committee). A first segment, encompassing roughly half of the volume, has been submitted for processing. It is anticipated that the final segments will be submitted for processing by the end of 2001.

(e) Supplement No. 6, volume V

21. The Secretary-General noted in his 2000 report (ibid., para. 18) that most of the substantial work for volume V of Supplement No. 6 had been completed and that the volume would be finalized by mid-2001.

22. Work on volume V continues. It is expected to be completed by the end of 2001.

3. Identification of the next series of priority volumes of the *Repertory*

23. Since work is approaching completion on the priority volumes mentioned in section 2 above and work on some future priority volumes which had begun in 2000 had continued in 2001, the Interdepartmental Committee, in accordance with its practice, decided to identify the volumes enumerated below as priority volumes scheduled for completion during the 2002-2003 biennium cycle.

24. In allocating the next set of priority volumes, the Interdepartmental Committee took into account the question of reviewing the working methods currently employed (see section A.2 above) with a view to achieving productivity gains so as to increase its production cycle.

25. The identification of priority volumes is intended merely to assist the Interdepartmental Committee in organizing its work programme for the 2002-2003 biennium. It in no way serves to limit the possibility of participating Secretariat units continuing with work on future priority volumes. Indeed, as was the case in 1999 (see A/54/363, para. 19) and 2000, those Secretariat units which have already completed their contributions to current priority volumes may start work on future priority volumes (see section 4 below).

(a) Supplement No. 7, volume I

26. It is anticipated that the Office of Legal Affairs and the Office of Human Resources Management will commence work on the studies for volume I of Supplement No. 7 in 2002. With regard to the studies to be prepared by the Department of Political Affairs (Articles 1(2), 2(4), 3-6), work will start on those studies in 2002 if the resources requested fo that purpose in the proposed programme budget for 2002-2003 are approved.

(b) Supplement No. 7, volume IV

27. It was reported in 2000 that once the Department of Economic and Social Affairs had completed its portion of volume IV of Supplement No. 6, it would begin drafting its contribution to volume IV of Supplement No. 7.

28. The Department of Economic and Social Affairs will complete its contribution to the volume in 2001. The Department of General Assembly Affairs and Conference Services and the Office of the United Nations High Commissioner for Human Rights in Geneva have commenced drafting their contribution to the volume in 2001. It is anticipated that the volume will be submitted for processing and publication by the end of 2003.

(c) Supplement No. 7, volume VI

29. It was reported in 2000 (A/55/340, para. 19) that the Office of Legal Affairs was in the process of completing its contribution to the volume. It is anticipated that all studies will be submitted for review in 2002, with a view to the completion of the volume by the end of that year.

4. Work undertaken on future priority volumes

30. In line with the general approach adopted by the Interdepartmental Committee and as noted by the Secretary-General in his 1999 and 2000 reports (see para. 25 above), several Secretariat units have, on completion of their contribution to current priority volumes, commenced work on future priority volumes. The Interdepartmental Committee has again in 2001 emphasized the importance of such continued work to the sustainability of the overall project and as the key

to reaching the Supplement production cycles necessary for the reduction in the backlog in the *Repertory* within a reasonable time period.

Supplements Nos. 8 and 9, volume IV

31. In the 2000 report (A/55/340, para. 19) it was indicated that the Department of Economic and Social Affairs would advance its contribution to volume IV of Supplements No. 8 (1 January 1989-31 December 1994) and No. 9 (1 January 1995-31 December 1999) by the end of the biennium 2002-2003, provided that adequate funds were made available. Work on Supplement No. 8, volume IV, by the respective author departments will commence in 2002 with a view to its completion in 2004. The Department of Economic and Social Affairs will commence work on volume IV of Supplement No. 9 in 2003.

5. Translation of Supplement No. 6, volume VI, into French and Spanish

32. In his 2000 report, the Secretary-General noted that the translation of volume VI of Supplement No. 6 into the other two languages in which the *Repertory* is published (French and Spanish) had commenced in 2000. He also indicated that it was expected that the French version of volume VI would be published at the end of 2000; that the Spanish version of volume VI would be produced before the end of 2000; and that volumes III and IV of Supplement No. 5 would be translated into French and Spanish in 2001.

33. With respect to volume VI of Supplement No. 6, both French and Spanish versions have been issued. Regarding volumes III and IV of Supplement No. 5, the volumes will be issued in French and Spanish at the end of 2001 and June 2002, respectively.

6. Placement of *Repertory* volumes on the Internet

34. In 2000, it was reported (A/55/340, para. 21) that a pilot project had been initiated with a view to placing *Repertory* volumes on the Internet. Such activity continued in 2001 as collaboration between the Office of Legal Affairs and the Department of Public Information, with some volumes of the Repertory being scanned by the Library. It is anticipated that a web site for the *Repertory*, containing electronic versions of *Repertory* Supplements, where available, will be established during the 2002-2003 biennium.

C. Assessment of action required

35. The Interdepartmental Committee on Charter Repertory again noted in 2001 that adequate budgetary resources should continue to be provided on a regular basis for *Repertory*-related tasks, with a view to eliminating the backlog and preventing future ones. The Interdepartmental Committee is continuing the inter-office dialogue on reviewing the working methods for the preparation of the *Repertory*. It also considers that, in the short term, a production cycle of one to two *Repertory* volumes per year (eventually to be increased to more than two volumes per year) should be required to address more expeditiously the backlog in production of the *Repertory*.

III. *Repertoire of the Practice of the Security Council*

A. Status of the *Repertoire of the Practice of the Security Council*

1. Translation of the tenth Supplement

36. Due to the heavy workload in parliamentary documentation, the translation into French of the tenth Supplement to the *Repertoire of the Practice of the Security Council*, covering the period 1985-1988, will be completed by March 2002.

37. Pursuant to section III, paragraph 15, of General Assembly resolution 55/222 of 23 December 2000, the tenth Supplement is being translated into Arabic, Chinese, Russian and Spanish.

2. Preparation of the eleventh Supplement

38. Further progress has been made in the preparation of the eleventh Supplement to the *Repertoire* (1989-1992), which will cover a period marked by the end of the cold war and unprecedented activity on the part of the Security Council. For instance, 34 resolutions were adopted under Chapter VII of the Charter during those four years, compared to 20 during the first 44 years of the life of the United Nations. Twelve new peacekeeping operations were established, compared to 15 from 1945 to 1989. Changes also occurred in the working methods of the Council. While many decisions on which consensus was reached in informal consultations were adopted by the Council without

public debate, the volume of official communications issued during the period increased considerably.

39. The new practice of the Security Council will be reflected in the eleventh Supplement, which will contain greatly expanded chapters, such as chapter V on subsidiary organs and chapter XI on the provisions of Chapter VII of the Charter. Despite its novel character, the eleventh Supplement is scheduled for completion by the end of 2002 or the beginning of 2003.

B. Elimination of the backlog in the publication of Supplements to the *Repertoire of the Practice of the Security Council*

1. Need to strengthen the Security Council Practices and Charter Research Branch

40. Even though its productivity has increased as a result of restructuring and training, the Security Council Practices and Charter Research Branch in the Security Council Affairs Division of the Department of Political Affairs **needs further strengthening** to be able to cope with its heavier workload and to address the existing backlog in the preparation of the *Repertoire*.

2. The project

41. To eliminate the backlog in the *Repertoire*, the Branch is striving to set up an additional temporary team, which will be tasked with preparing two three-year Supplements for the periods 1993-1995 and 1996-1998. This would allow the core staff of the Branch to start working on the most recent period (1999-2001) in 2002, once the eleventh Supplement (1989-1992) has been completed. The new temporary team would comprise legal or political officers and consultants funded from the budget and the Trust Fund for the Updating of the *Repertoire*, as well as associate experts and interns.

3. Contributions to the Trust Fund for the Updating of the *Repertoire*

42. Six Member States — Belarus, Finland, Germany, New Zealand, Portugal and the United Kingdom of Great Britain and Northern Ireland — and one Permanent Observer, Switzerland, have contributed to the Trust Fund for the Updating of the *Repertoire* in the total amount of US$ 364,181. Their support is greatly appreciated. It shows the importance attached to the elimination of the backlog in the production of the *Repertoire*, a project which will promote transparency and better awareness of the evolving working methods and practice of the Security Council. Thanks to such voluntary contributions, the Secretariat was able to launch this project notwithstanding current budgetary constraints. However, additional contributions are clearly needed to recruit the staff required to prepare the two three-year Supplements mentioned above. A minimum of 8 Professional staff and 2 support staff is necessary if the preparation of the two Supplements is to be completed in a reasonable period of time. It is therefore hoped that other Member States will join in supporting the project over the time required for its completion.

4. Associate experts and interns

43. One Member State, France, has provided the Security Council Practices and Charter Research Branch with the services of an associate expert as of March 2001. This young expert, who has already acquired a good knowledge of the practice of the Security Council, will join the temporary team whose recruitment will be financed by the Trust Fund. Other Member States may wish to consider this option, which offers junior Professional officers the opportunity to gain unique expertise in the practice and working methods of the Security Council. The Branch will also continue to use the services of interns, particularly law students and young academics. It welcomes in this regard the issuance of the administrative instruction referred to in paragraph 9 of the present report, which has introduced greater flexibility in the duration of the internships.

5. Establishment of an additional temporary team

44. Drawing on the resources currently available in the Trust Fund, the Branch is in the process of hiring two officers with the academic qualifications, experience and skills required to carry out the project. One experienced legal officer at the P-4 level has already been selected. This officer, who will join the Branch in the fall, will work with the associate expert already provided to the Branch and the two temporary staff to be funded from the regular budget. It is expected that the nucleus of the temporary team will be

fully operational at the beginning of 2002. If the team can be strengthened in 2002 with additional officers, a plan for the total elimination of the backlog will be submitted in the report to the General Assembly at its fifty-seventh session.

IV. Conclusions

45. In the period under review, the Secretariat continued the implementation of General Assembly resolutions 52/161 of 15 December 1997, 53/106 of 8 December 1998, 54/106 of 9 December 1999 and 55/156 of 12 December 2000 regarding the preparation of Supplements to the *Repertory of Practice of United Nations Organs*.

46. With respect to the *Repertoire of the Practice of the Security Council*, progress has been made in the preparation of the eleventh Supplement (1989-1992), which should be completed by the end of 2002 or in the first part of 2003. Contributions to the Trust Fund for the Updating of the *Repertoire* have been received from six Member States and one Permanent Observer, allowing for the recruitment of two additional officers. An associate expert has also been provided by one Member State. Further support is needed to eliminate the backlog in a reasonable period of time.

47. In the light of the above, the General Assembly may wish to:

(a) Note that volume III of Supplement No. 5 will be published in the three language versions by the end of 2001 and volume IV of Supplement No. 5 will be published in the three language versions by June 2002;

(b) Note that work on the index to Supplement No. 5 will commence after all volumes of the Supplement are published and will be completed in 2002;

(c) Note that volume I of Supplement No. 6 was completed in 2001;

(d) Note that volume II of Supplement No. 6 will be completed in 2002;

(e) Note that volume III of Supplement No. 6 will be completed in 2003;

(f) Note that volume IV of Supplement No. 6 will be completed by the end of 2001;

(g) Note that volume V of Supplement No. 6 is expected to be completed by the end of 2001;

(h) Note that volume IV of Supplement No. 7 will be completed by the end of 2003;

(i) Note that volume VI of Supplement No. 7 will be completed by the end of 2002;

(j) Note that offices may continue with work on future priority volumes with a view to reaching the Supplement production cycles necessary for the reduction in the backlog in the *Repertory* within a reasonable time period;

(k) Note that the Interdepartmental Committee on Charter Repertory considered and approved the revised Manual for the Preparation of the *Repertory of Practice of United Nations Organs* and will continue to keep the Manual under review, particularly with a view to updating the editorial directives;

(l) Note that an inter-office dialogue on reviewing the working methods for the preparation of the *Repertory* has been initiated and will continue in 2002;

(m) Note that a web site for the *Repertory of Practice* will be established during the 2002-2003 biennium;

(n) Note that the *Repertoire of the Practice of the Security Council* is available on the Internet on the web site of the Department of Political Affairs;

(o) Note that the tenth Supplement to the *Repertoire of the Practice of the Security Council* is being translated into Arabic, Chinese, French, Russian and Spanish and that the French translation is scheduled for completion by March 2002;

(p) Note that work is continuing on the eleventh Supplement to the *Repertoire of the Practice of the Security Council*;

(q) Note with appreciation the contributions made by Belarus, Finland, Germany, New Zealand, Portugal, Switzerland and the United Kingdom to the Trust Fund for the Updating of the *Repertoire of the Practice of the Security Council* and note that additional contributions are needed to strengthen the temporary team which is being established to eliminate the existing backlog in the *Repertoire*; and also note with appreciation the contribution by France of an

associate expert and call upon other Member States to consider providing such support;

(r) Note the efforts of the Secretary-General to reduce the backlog of the Supplements to the *Repertory* and to the *Repertoire*.

Notes

[1] The Committee is composed of representatives of all Secretariat units involved in the preparation of Supplements to the *Repertory* (see annex I) and is responsible for directing and overseeing the preparation and publication of those Supplements.

[2] *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 38* (A/33/38), para. 57.

Annex I

Secretariat units bearing primary responsibility for the preparations of studies on individual provisions of the Charter of the United Nations

Office of Legal Affairs	Repertory *Volume I*: Articles 1 (1), (3) and (4), 2 (1) to (3) and (5) to (7) and 7
	Volume II: Article 13 (1) (a)
	Volume VI: Articles 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	*Volume I*: Articles 1 (2), 2 (4) and 3 to 6
	Volume II: Articles 10, 12, 13 (1) (a), 14 and 16
	Volume III: Articles 23 to 39 and 107
	Volume V: Articles 73 to 85, 87 and 88
Department of Political Affairs with Department of Peacekeeping Operations	*Volume III*: Articles 40 to 54 and 106
Department for Disarmament Affairs	*Volume II*: Article 11
Department of General Assembly Affairs and Conference Services	*Volume II*: Articles 9, 15, 18 and 20 to 22
	Volume IV: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72
	Volume V: Articles 86, 89, 90 and 91
Department of Management	*Volume II*: Articles 17 and 19
	Volume VI: Articles 100 (1) and 101
Department of Management with Office of Legal Affairs	*Volume VI*: Article 100 (2)
Department of Economic and Social Affairs	*Volume II*: Article 8[a]
	Volume II: Article 13 (1) (b) and (2)
	Volume IV: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71

Office of the United Nations High Commissioner for Human Rights	*Volume II*: Article 13 (1) (b)
	Volume IV: Articles 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	*Volume II*: Article 13 (1) (a)

[a] The Department of Management (Office of Human Resources Management) is responsible for the preparation of Article 8 for the period up to and including 1996. For the period from 1997 onwards, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Secretariat units responsible for the coordination of the preparation of *Repertory* volumes

Volume	*Department*
I. (Articles 1 to 8)	Office of Legal Affairs
II. (Articles 9 to 22)	Department of General Assembly Affairs and Conference Services
III.(Articles 23 to 54, 106 and 107)	Department of Political Affairs
IV.(Articles 55 to72)	Department of Economic and Social Affairs
V. (Articles 73 to 91)	Department of General Assembly Affairs and Conference Services
VI.(Articles 92 to 105 and 108 to 111)	Office of Legal Affairs
Index	Department of Public Information (Dag Hammarskjöld Library)